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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,036	07/01/2003	Yoshiki Ishige	03390/LH	5842
1933 7590 05/14/2007 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER HANNETT, JAMES M	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 05/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,036

Applicant(s)

ISHIGE, YOSHIKI

Examiner

James M. Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/2003, 7/1/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1: Claims 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN

5,617,138 Ito et al.

2: As for Claim 11, Ito et al teaches on Column 7, Lines 1-58 and Column 9, Lines 35-51 and depicts in Figures 1, 27 and 17 taking a picture of a subject to obtain an image (11); displaying (14) the image obtained by the photographing section (11) in a standby in a state; storing the obtained image (12) in response to photographing operation; synthesizing an image representing composition of the obtained image and an position specifying image representing a predetermined position to obtain a synthesized image (Figures 12 and 17); storing composition data relating to a composition indicating image in which the position specifying image takes a

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position set by a user in the synthesized image; and successively synthesizing, in recognition by a photographer in a standby state in a photographing mode, the obtained image with composition indicating image based on the previously stored composition data to create a synthesized image, and photographing with the created synthesized image displayed as an image to be obtained.

3: In regards to Claim 12, Ito et al teaches on Column 7, Lines 49-58 and depicts in Figure 12 further comprising the step of: modifying the position specifying image in response to a predetermined operation.

4: As for Claim 13, Ito et al teaches on Column 7, Lines 15-20 modifying the position specifying image in size in response to a predetermined operation.

5: In regards to Claim 14, Ito et al teaches on Column 7, Lines 49-58 and depicts in Figure 12 further comprising the step of: changing a position of the position specifying image in the composition indicating image in response to predetermined operation.

6: As for Claim 15, Ito et al teaches on Column 7, Lines 15-20 and depicts in Figure 12 cutting out a part specified in the stored image which has been obtained in response to photographing operation.

7: In regards to Claim 16, Ito et al teaches on Column 7, Lines 49-58 and depicts in Figure 12 changing a position of the part of the image in the composition indicating image in response to predetermined operation.

8: As for Claim 17, claim 17 is rejected for reasons discussed related to Claim 11, since Claim 11 is substantively equivalent to Claim 17.

Allowable Subject Matter

9: Claims 1-10 are allowed.

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The following is an examiner's statement of reasons for allowance: The prior art does not teach the specifics of the claimed composition storage section and display control section for synthesizing the image with composition indication image based on the composition data stored in the composition data storing section to make a synthesized image in combination with the image synthesis system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 7,154,544 Kowno et al teaches a system for synthesizing image data with non picture data in a display; USPN 6,122,004 Hwang teaches a camera image stabilizing circuit that shifts the location of an image; USPN 6,107,334 Matsumoto teaches a system for displaying data on a display that is a synthesized image from a camera and from memory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
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A handwritten signature in black ink, appearing to read 'James M. Hannett', is written over the printed name and title.

JMH
May 8, 2007